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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,069

02/23/2007

Richard Seward

356952.00042-US

6589

78905 7590 01/06/2010

Saul Ewing LLP (Philadelphia)

Attn: Patent Docket Clerk

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EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,069	Applicant(s) SEWARD, RICHARD	
	Examiner NGHI H. LY	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubayashi et al (US 7,284,061) in view of Pinard et al (US 6,230,287).

Regarding claims 1 and 18, Matsubayashi teaches a method of enabling a wireless information device operated by an end-user to access customer support services (see column 10, lines 36-45, column 12, lines 56-60, column 22, lines 33-37 and column 27, lines 25-52, see “wireless”), the end-user having a support requirement (see column 21, lines 60-67), comprising the steps of: (a) opening a data connection between the device and a customer support computer (see fig.1, fig.5 and fig.13 to fig.15, the connections, and see column 10, lines 36-45, column 12, lines 56-60, column 22, lines 33-37 and column 27, lines 25-52, see “wireless”), (b) keeping the data connection open whilst the device progresses up a queue of an automated queuing system connected to the customer support computer (see column 30, lines 12-16, see “queue listing”), (c) initiating a predefined action that meets the support requirement before the device reaches the top of the queue or when the device reaches the top of

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the queue (see column 30, lines 12-16, see “the user reaches the top” and “queue listing”).

Matsubayashi does not specifically disclose communicating a support requirement to the customer support computer.

Pinard teaches communicating a support requirement to the customer support computer (see Abstract, column 2, lines 3-9, column 2, lines 53-57, column 3, lines 28-33, column 5, line 66 to column 6, line 11 and column 7, lines 14-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinard into the system of Matsubayashi in order to allow support specialists to communicate with remote users requiring support (see Pinard, Abstract).

Regarding claims 2 and 19, Matsubayashi teaches the predefined action includes one or more of the following: (a) a customer service representative (CSR) calling the end-user back with a voice call, (b) causing data to be downloaded from the device, (c) causing data or an application to be written to the device (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 3, Matsubayashi teaches the data connection is opened in response to input from the end-user, the input being a response to an on-screen dialog, prompt, free-text input, menu selection or icon, or speech input, that defines the support requirement (see column 29, lines 4-26).

Regarding claim 4, Matsubayashi teaches the data connection remains active to enable the customer support computer to download data from the device or write data

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or applications to the device before the device reaches the top of the queue (see column 29, lines 4-26).

Regarding claim 5, Matsubayashi teaches the device receives and optionally displays data sent over the data connection from the customer support computer which indicates the queue position and/or likely time before a customer service representative will respond in person to the end-user by initiating a voice call or accessing the Wireless Information Device (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 6, Matsubayashi teaches the device displays a visual indication that the data connection is open (see column 5, lines 27-37 and column 23, lines 18-29).

Regarding claim 7, Matsubayashi teaches the device displays a visual indication of the queue position (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 8, Matsubayashi teaches the device is automatically queried by the customer support computer either before or when the device reaches the top of the queue to obtain information relevant to the end-users support requirement (see column 30, lines 12-16, see “the user reaches the top” and “queue listing”).

Regarding claim 9, Matsubayashi teaches the device automatically sends information relevant to the end-users support requirement with an initial connection message (see column 9, lines 12-26 and column 18, lines 2-5).

Regarding claim 10, Matsubayashi teaches the information includes **one** or more of the following kinds of information: (a) any or all of device's phone number, International Mobile Equipment Identifier (IMEI) or International Mobile Subscriber

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Identifier (IMSI), (b) recent key strokes, (c) recent remote web or WAP sites visited by the device, (d) current state of the device, including operating system, application/configuration settings, applications, battery status, memory status, dropped calls, (e) end-user's name, (f) end-user's address, (g) end-user's bank, credit and/or charge card details, (h) end-user's password, (i) goods and/or services recently requested or acquired by the end-user using the device, (j) device usage profile or data, (k) device geographic location data, (t) device error logs, (m) identification of art programs running on the device, (n) device data to be backed-up or replicated (see column 13, lines 44-65).

Regarding claim 11, Matsubayashi teaches the device displays a user prompt requiring the end-user to consent to specifically requested kinds of information being sent to the customer support computer (see Abstract and column 1, lines 6-15).

Regarding claim 12, Matsubayashi teaches the end-user prompt requires the end-user to satisfy an access control process before releasing the information to the customer support computer (see Abstract).

Regarding claim 13, Matsubayashi teaches the end-user for one of the following reasons: to inform the end-user that the support request has been completed, to better understand the nature of the support requirement and to discuss how to fulfil the support requirement (see Abstract, column 1, lines 6-15 and column 3, line 31 to column 4, line 53).

Regarding claim 14, Matsubayashi teaches it is determined, without explicit notification by the end-user, that the end-user requires support and the data connection

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is then opened (see Abstract and column 3, line 31 to column 4, line 53).

Regarding claim 15, Matsubayashi teaches it is determined that the end-user has a support requirement when a problem is identified with a component of the end-user's service on the device (see Abstract and column 3, line 31 to column 4, line 53).

Regarding claim 16, Matsubayashi teaches it is determined that the end-user has a support requirement when a problem is detected in the end-user's use of a particular service (see Abstract, and column 3, line 31 to column 4, line 53).

Regarding claim 17, Matsubayashi teaches the problem is indicated by one or more of the following: above-average rate of dropped calls, shorter-than-average battery life, or failed application transactions (see column 1, lines 16-38 and column 23, lines 3-17).

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617